

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE AMPARO-MUNOZ

CRIMINAL COMPLAINT

Case Number:

11ms-102 JSM

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 25, 2008, in Meeker County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed from the United States on or about December 28, 2004, subsequent to a conviction for an aggravated felony, namely, Distribution of Methamphetamine, in the District of Minnesota on April 24, 2003, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to reapply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

3/10/11
Date

The Honorable Janie S. Mayeron
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at

St. Paul, MN

City and State

Janie S. Mayeron
Signature of Judicial Officer

Dustin J. Halverson
Signature of Complainant

Dustin J. Halverson

U.S. ICE

SCANNED

MAR 11 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Dustin Halverson

Dustin Halverson, being duly sworn, deposes and states as follows:

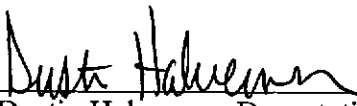
1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. In August 2009, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about June 25, 2008, in Meeker County, in the State and District of Minnesota, Jose Juan AMPARO-Munoz unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that AMPARO-Munoz's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a)

and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On June 25, 2008, AMPARO-Munoz was arrested in Meeker County, in the State and District of Minnesota, by members of the Litchfield Police Department. AMPARO-Munoz was arrested on 1st Degree Controlled Substance Sales – Methamphetamine charges.
6. On or about August 14, 2008, AMPARO-Munoz was encountered in the Minnesota Correctional Facility (MCF) at St. Cloud by an ICE Immigration Enforcement Agent while performing Institutional Hearing Program (IHP) duties. AMPARO-Munoz was administratively interviewed to determine alienage and removability. On August 14, 2008, an ICE hold was placed on AMPARO-Munoz. On February 28, 2011, AMPARO-Munoz was turned over to ICE custody.
7. On April 24, 2003, AMPARO-Munoz was convicted of the felony offense of Distribution of Methamphetamine Mixture, in the United States District Court, District of Minnesota, in violation of Title 21, United States Code Sections 841(a)(1) and (b)(1)(C). On April 24, 2003, AMPARO-Munoz was sentenced to 27 months imprisonment.
8. AMPARO-Munoz's immigration file indicates that he has been previously arrested and removed from the United States on one prior occasion. On December 28, 2004, AMPARO-Munoz was removed from the United States to Mexico at the Brownsville, Texas port of entry.
9. Law enforcement has confirmed through fingerprints and photographs contained in AMPARO-Munoz's criminal history and immigration file that the individual named

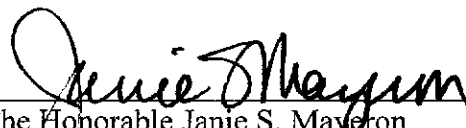
Jose Juan AMPARO-Munoz referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on June 25, 2008, by the Litchfield Police Department.

10. My investigation has revealed that AMPARO-Munoz is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
11. AMPARO-Munoz has admitted that since his removal from the United States on December 28, 2004, that he reentered the United States without applying for, nor receiving, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
12. Based on these facts, I have reason to believe that Jose Juan AMPARO-Munoz unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557. Further Your Affiant Sayeth Not.


Dustin Halverson, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 10th day of March, 2011.


The Honorable Janie S. Mayeron
United States Magistrate Judge